IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8143 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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JAYANTILAL MANILAL PANCHAL

Versus

NARMADA NIGAM

Appearance:

1. Special Civil Application No. 8143 of 1991

MR YN OZA for Petitioner

MR TUSHAR MEHTA for Respondent Nos. 1 & 2

MR MR MENGDE, AGP for Respondent No. 3

CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 19/08/2002

ORAL JUDGEMENT

By filing this petition under Article 226 of the Constitution, the petitioner has prayed to issue a writ

of mandamus or any other appropriate writ or order to quash and set aside the action of the respondents in terminating the services of the petitioner by letter dated October 19, 1991, which is produced at Annexure-D to the petition. The petitioner has further prayed to direct the respondents to continue him in service even during the monsoon season at Saurashtra Branch Canal, Division 1/1, Surendranagar, where continuous work is available.

2. During the course of hearing of the petition, learned counsel for the respondent Nos.1 & 2 has produced letter dated January 27, 1992 addressed by the Executive Engineer, Narmada Dam Project, Division 2, Kevadia Colony, to learned Senior Advocate Shri K.G.Vakharia, together with letter dated December 5, 1991 addressed by the petitioner to the Executive Engineer, for perusal of the Court. The same is ordered to be taken on record of the case. From the contents of the letter addressed by the petitioner to the Executive Engineer, it is evident that the petitioner, in unequivocally terms, has expressed his willingness to withdraw the petition unconditionally, as the Executive Engineer was inclined to employ him on daily wage basis. The learned counsel for the petitioner has not controverted the contents of letter dated December 5, 1991 addressed by the petitioner to the Executive Engineer, Narmada Dam Project,Division 2, Kevadia Colony, but states that he is not in a position to withdraw the petition for want of necessary instructions from the petitioner. However, the learned counsel for the petitioner has mentioned that the petitioner has not responded to the letter written by him and as the petitioner is reinstated in service, the petition be disposed of as having become infructuous. As the petitioner has expressed his desire to withdraw the petition because he is already employed as Rojamdar, I am of the view that the petition deserves to be disposed of as having become infructuous.

For the foregoing reasons, rule is discharged with no order as to costs. The petition is disposed of as having become infructuous. Liberty is reserved to the petitioner to move the Court in case of difficulty.

(J.M.Panchal,J.)

(patel)